

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BENJAMIN PETRAS,

Plaintiff

v.

WILLIAM GITTERE, et al.,

Defendants

Case No. 2:23-cv-00592-GMN-BNW

**Order Directing Plaintiff to File Notice
of Change of Address and Vacating
Inmate Early Mediation Conference**

I. DISCUSSION

The Court issued an order setting an Inmate Early Mediation Conference in this 42 U.S.C. §1983 action. (ECF No. 13.) That order was served on Plaintiff at his address of record via U.S.P.S. but was returned with the notation: Return to Sender, Unable to Forward. (See ECF No. 14.) Plaintiff has not filed an updated address with this Court. The Court notes that pursuant to Nevada Local Rule of Practice IA 3-1, a “pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number. The notification must include proof of service on each opposing party or the party’s attorney. Failure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court.” LR IA 3-1. This Court grants Plaintiff 30 days from the date of entry of this order to file his updated address with this Court. If Plaintiff does not update the Court with his current address within 30 days from the date of entry of this order, this case will be dismissed without prejudice.

The Inmate Early Mediation Conference was scheduled for April 26, 2024. (See ECF No. 13.) However, as explained, Plaintiff has not been served with the order and is

1 unaware that a mediation has been scheduled. The Court therefore vacates the mediation
2 at this time, subject to being rescheduled once Plaintiff updates his address.

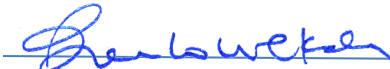
3 **II. CONCLUSION**

4 For the foregoing reasons, it is ordered that Plaintiff file an updated address with the
5 Clerk of the Court within 30 days from the date of this order.
6

7 It is further ordered that the Inmate Early Mediation Conference scheduled for April
8 26, 2024 is vacated.

9 It is further ordered that, if Plaintiff fails to timely comply with this order, this case will
10 be dismissed without prejudice and without further prior notice.
11

12 DATED THIS 10 day of April 2024.
13

14
15 
16 United States Magistrate Judge
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BENJAMIN PETRAS,

Plaintiff

v.

WILLIAM GITTERE, et al.,

Defendants

Case No. 2:23-cv-00592-GMN-BNW
REPORT OF ATTORNEY GENERAL
RE: RESULTS OF 90-DAY STAY

NOTE: ONLY THE OFFICE OF THE ATTORNEY GENERAL SHALL FILE THIS FORM. THE INMATE PLAINTIFF SHALL NOT FILE THIS FORM.

On _____ [the date of the issuance of the screening order], the Court issued its screening order stating that it had conducted its screening pursuant to 28 U.S.C. § 1915A, and that certain specified claims in this case would proceed. The Court ordered the Office of the Attorney General of the State of Nevada to file a report ninety (90) days after the date of the entry of the Court's screening order to indicate the status of the case at the end of the 90-day stay. By filing this form, the Office of the Attorney General hereby complies.

REPORT FORM

[Identify which of the following two situations (identified in bold type) describes the case, and follow the instructions corresponding to the proper statement.]

Situation One: Mediated Case: The case was assigned to mediation by a court-appointed mediator during the 90-day stay. [If this statement is accurate, check **ONE** of the six statements below and fill in any additional information as required, then proceed to the signature block.]

_____ A mediation session with a court-appointed mediator was held on _____ [enter date], and as of this date, the parties have reached a settlement (even if paperwork to memorialize the settlement remains to be completed). (If this box is checked, the parties are on notice that they must SEPARATELY file either a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in the case until a specified date upon which they will file a stipulation of dismissal.)

1 _____ A mediation session with a court-appointed mediator was held on
 2 _____ [enter date], and as of this date, the parties have not
 3 reached a settlement. The Office of the Attorney General therefore informs
 the Court of its intent to proceed with this action.

4 _____ No mediation session with a court-appointed mediator was held during the
 5 90-day stay, but the parties have nevertheless settled the case. *(If this box*
 6 *is checked, the parties are on notice that they must SEPARATELY file a*
 7 *contemporaneous stipulation of dismissal or a motion requesting that the*
 8 *Court continue the stay in this case until a specified date upon which they*
 9 *will file a stipulation of dismissal.)*

10 _____ No mediation session with a court-appointed mediator was held during the
 11 90-day stay, but one is currently scheduled for _____ [enter
 12 date].

13 _____ No mediation session with a court-appointed mediator was held during the
 14 90-day stay, and as of this date, no date certain has been scheduled for
 15 such a session.

16 _____ None of the above five statements describes the status of this
 17 case. Contemporaneously with the filing of this report, the Office of the
 18 Attorney General of the State of Nevada is filing a separate document
 19 detailing the status of this case.

20 * * * * *

21 **Situation Two: Informal Settlement Discussions Case: The case was NOT assigned**
 22 **to mediation with a court-appointed mediator during the 90-day stay; rather, the**
 23 **parties were encouraged to engage in informal settlement negotiations.** [If this
 24 statement is accurate, check **ONE** of the four statements below and fill in any additional
 25 information as required, then proceed to the signature block.]

26 _____ The parties engaged in settlement discussions and as of this date, the
 27 parties have reached a settlement *(even if the paperwork to memorialize*
 28 *the settlement remains to be completed)*. *(If this box is checked, the parties*
 29 *are on notice that they must SEPARATELY file either a contemporaneous*
 30 *stipulation of dismissal or a motion requesting that the Court continue the*
 31 *stay in this case until a specified date upon which they will file a stipulation*
 32 *of dismissal.)*

33 _____ The parties engaged in settlement discussions and as of this date, the
 34 parties have not reached a settlement. The Office of the Attorney General
 35 therefore informs the Court of its intent to proceed with this action.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

_____ The parties have not engaged in settlement discussions and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.

_____ None of the above three statements fully describes the status of this case. Contemporaneously with the filing of this report, the Office of the Attorney General of the State of Nevada is filing a separate document detailing the status of this case.

Submitted this _____ day of _____, _____ by:

Attorney Name: _____	_____
Print	Signature

Address: _____	Phone: _____
_____	_____
	Email: _____